

REMARKS

Claims 16-22 are presently pending in the application, with claims 16, 18, and 19 being currently amended and claims 21 and 22 being newly added.

Currently amended claim 16 has been amended to recite, in part, a seal having a length and at least a first non-linear configuration wherein the first non-linear configuration is repeated substantially along the entire length of the seal to define a repeating pattern when viewed from the top surface of the seal. Amended claim 16 is consistent with the outcome of a teleconference between undersigned counsel and Examiner Patel on October 23, 2007, in which Examiner indicated he would give serious consideration to its allowability in light of the amended language. Support for the amendments can be found throughout the specification and, more specifically, at least at paragraphs [0037], [0038], [0046], [0047], and Fig. 1, for example.

Claims 18 and 19 have been amended to depend properly from amended claim 16.

New claim 21 recites that the length defines an axis, and the repeating pattern including a plurality of repeating segments transverse to the axis. This claim is supported in the specification at least at FIG. 1, for example. New claim 22 recites that the first and second non-linear configurations are the same. This claim is supported in the specification at least at paragraphs [0037], [0047], and FIGS. 1, 1A, and 1G, for example.

Previously pending claims 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,422,640 to Whitehead et al.

("Whitehead") and further in view of U.S. Patent No. 6,076,882 to Szerdahelyi et al.

("Szerdahelyi"). Applicants respectfully traverse the rejection for the reasons previously

set forth in the response dated August 23, 2007. While not intending to belabor those points, Applicants submit that modifying Whitehead with Szerdahelyi such that the seal (24) has a planar top surface would eliminate the projections (28) and the groove (26) thereof and further prevent inclusion of sealing member 142, thereby changing the principle of its operation and/or rendering the seal unsatisfactory for its intended purpose. *See In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification); *See In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious). Also, the seal 30 taught in Szerdahelyi does not at all have a planar surface, as asserted by Examiner, but rather an arcuate surface as fully previously explored. Notwithstanding, in order to advance prosecution of this application toward allowance, Applicants have amended independent claim 16 to even more clearly define over the prior art of record.

For purposes of this response, arguments focus on independent claim 16, for if the rejections thereof fall, the rejections of the dependent claims, particularly claims 17-22, must necessarily fall. *See, e.g., Hartness Int'l, Inc. v. Simplimatic Eng'g Co.*, 819 F.2d 1100, 1108, 2 USPQ2d 1826, 1831 (Fed. Cir. 1987) (dependent claims not obvious if independent claims not obvious over the art). Applicants do not, however, waive the right to present arguments directed specifically to the dependent claims referred above, should that become necessary.

Claim 16 now calls for a seal having a length and at least a first non-linear

configuration wherein the first non-linear configuration is repeated substantially along the entire length of the seal to define a repeating pattern when viewed from the top surface of the seal.

In sharp contrast to claim 16, Whitehead appears to provide a seal having a random configuration that merely generally conforms to the contour of carrier 10. Such seal clearly fails to include any specific configuration that substantially repeats along its entire length to define a repeating pattern, as required by claim 16. In addition, the asserted combination with Szerdahelyi fails to cure this deficiency. In particular, the seal 30 of Szerdahelyi, like Whitehead, provides a random configuration that merely generally conforms to the contour of module support 3. Thus, there is simply no disclosure in Szerdahelyi, Whitehead, or the combination thereof of a seal having a first non-linear configuration that is repeated substantially along the entire length of the seal to define a repeating pattern when viewed from the top surface. To that end, it is well known that all the claim limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Thus, the rejections are overcome and must be withdrawn.

Accordingly, Applicants respectfully submit that independent claim 16 recites a combination of elements neither taught nor obvious in view of the prior art of record and the claim should therefore be allowed.

In addition, because each of claims 17-21 depends from allowable independent claim 16, and further as each of these claims recites a combination of elements not disclosed nor obvious in view of the prior art of record, Applicants respectfully submit that they should be allowed as well. In particular, Applicants

submit that the combination of Szerdahelyi and Whitehead fails to teach or suggest a first non-linear configuration that includes at least one of a substantially repeating v-shaped, s-shaped, and o-shaped configuration, as required by claim 18. And, the combination further fails to teach or suggest new claims 21 and 22, which require the repeating pattern to include a plurality of repeating segments transverse to the axis and that the first and second non-linear configurations are the same, respectively.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants do not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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